

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

4 Balinda Antoine,
5 Plaintiff
6 v.
7 Devon Bell and BWSI Media KHS Trust,
8 Defendants

2:15-cv-01109-JAD-NJK

**Order Remanding Case Back to
Nevada State Court
[ECF 6]**

10 After plaintiff Balinda Antoine initiated eviction proceedings against defendants in a Nevada
11 state court, defendants filed a “notice of entry of federal removal.”¹ Defendants invoke both
12 diversity and federal question jurisdiction alleging that the amount in controversy exceeds \$75,000
13 and citing to the Fair Debt Collection Practice Act.² Antoine timely moved to remand arguing that
14 defendants have not established either basis for federal jurisdiction.³ Defendants have not opposed
15 Antoine’s motion or requested an extension to file an opposition, and the deadline for doing so
16 passed more than a month ago.

17 Local Rule 7-2(d) provides, “[t]he failure of an opposing party to file points and authorities in
18 response to any motion shall constitute a consent to the granting of the motion.” I deem defendants’
19 failure to oppose Antoine’s motion a concession that Antoine’s arguments against jurisdiction are
20 valid and a consent to remand.⁴

1 ECF 1.

² *Id.* at 1-2; 15 U.S.C. § 1692.

³ ECF 6.

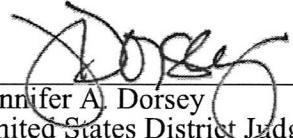
⁴ I also find that defendants have failed to establish the existence of either diversity or federal question jurisdiction.

1 With good cause appearing and no reason for delay,

2 IT IS HEREBY ORDERED that plaintiff's Motion to Remand [ECF 6] is GRANTED. This
3 case is remanded back to the Justice Court, Clark County, Nevada case number 15E011713.

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5 Dated this 27 day of August, 2015

6 
7 Jennifer A. Dorsey
8 United States District Judge

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